

**REQUEST FOR
ACTION BY:
TOWN OF CLARENCE, N.Y.**

☒ Appeal Board
☐ Planning Board
☐ Town Board

☒ Appeal
☐ Rezone
☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Planning and Zoning
 Date July 26, 2016

Action Desired Applicant requests a variance to allow for a 140' front yard setback located at 10865 Howe Road in the Agricultural-Rural Residential zone.

Reason §229-41 (A)

PLEASE PRINT

Name Edward R. Lamarca

Address 6339 Crosby Road

Lockport, NY 14094

Town/City Lockport **State** NY **Zip** 14094

Phone 433-4854

Signed SIGNATURE ON FILE

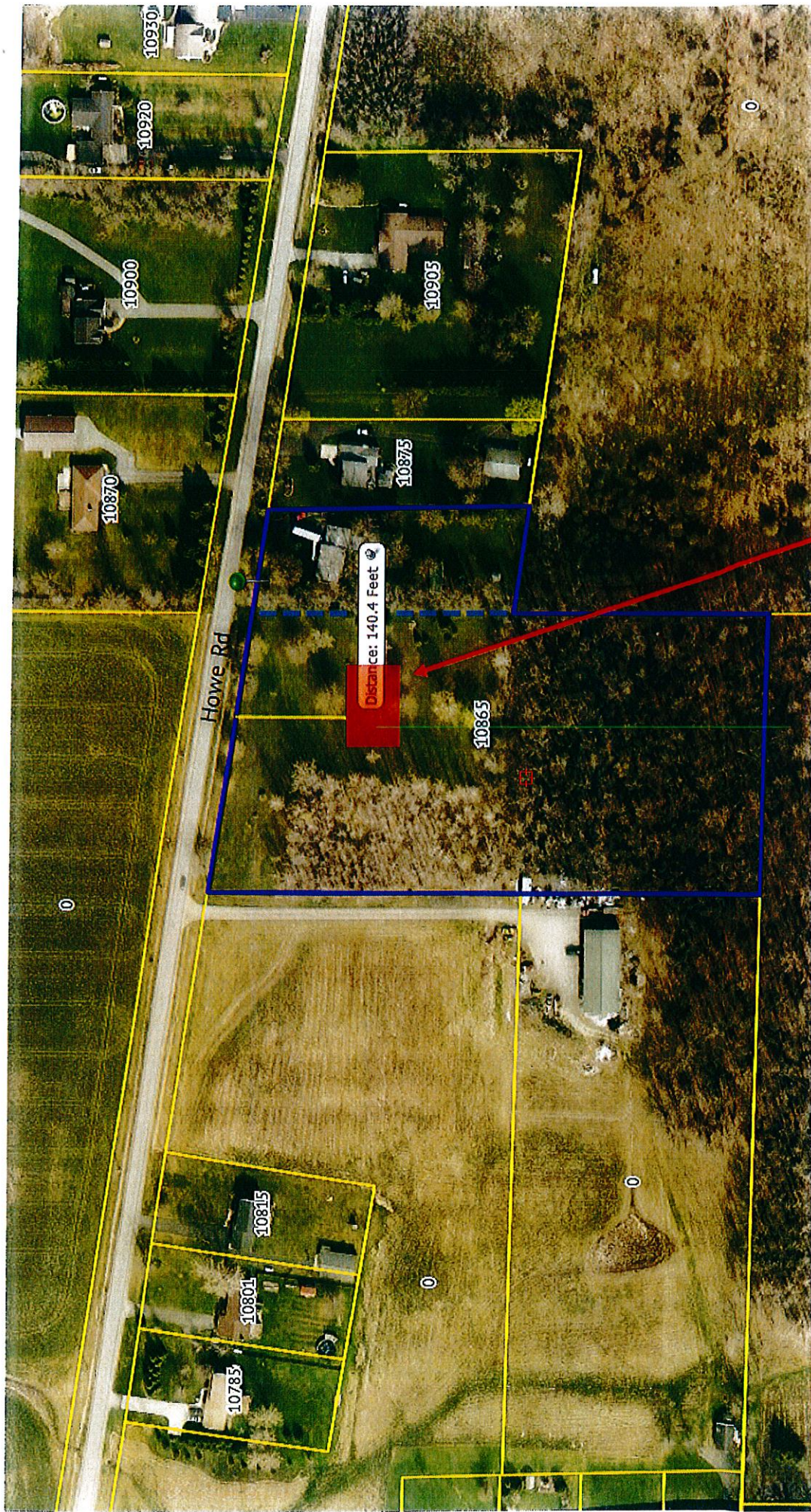
Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

Approved ☐ **Rejected** ☐ by on 20.....
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Published (Attach Clipping) on 20.....
Hearing Held by on 20.....

Final Action Taken

Approved ☐ **Rejected** ☐ by on 20.....
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Filed with Town Clerk on 20.....
Filed with County Clerk on 20.....

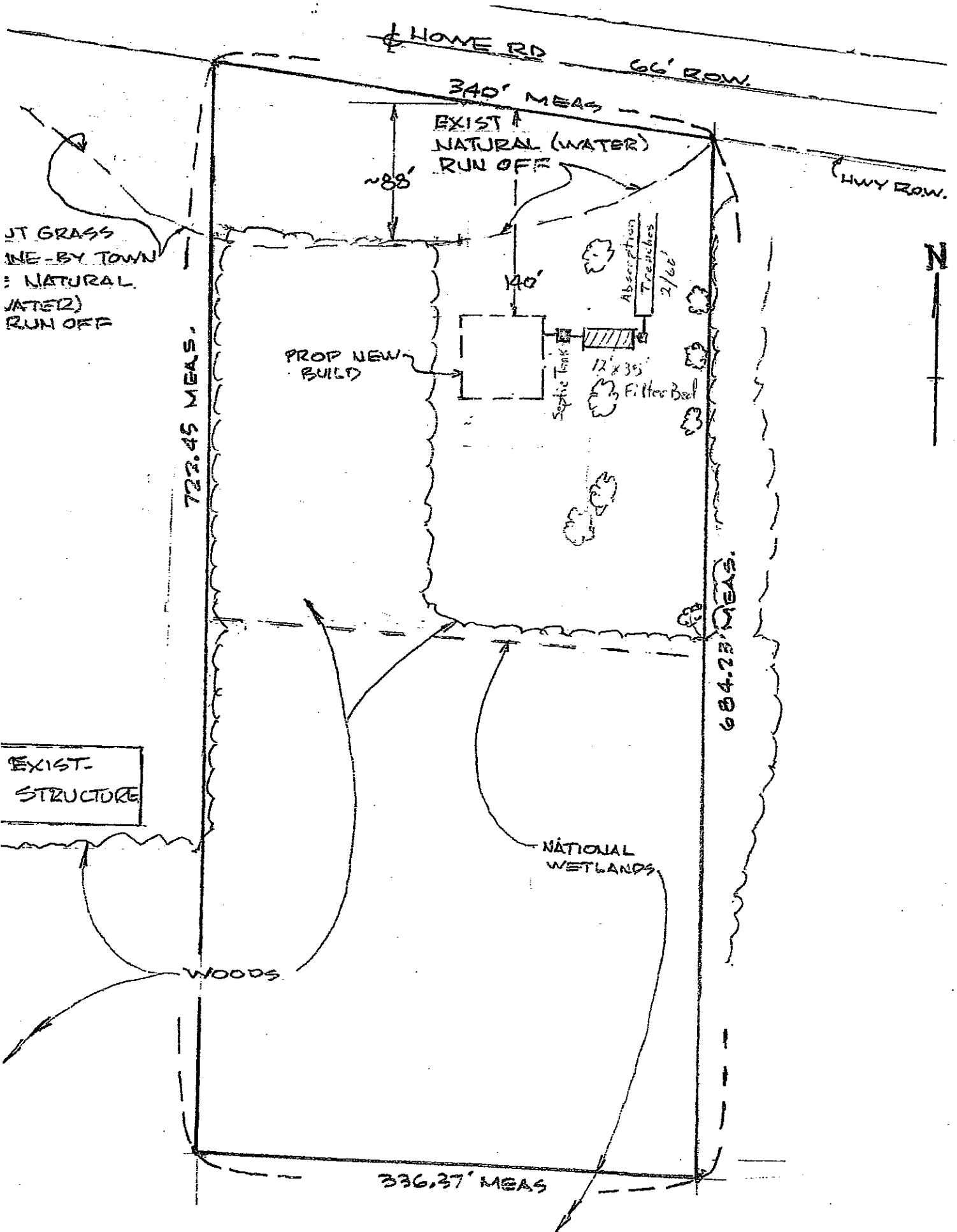


* note the parcel lines displayed are approximate

10865 Howe Road



Proposed single family home with 140' front yard setback



SCALE: 1" = 80'
JULY 17/2016

July 17, 2016

Request for Set Back Variance:

We have a signed (by Buyer and Seller) Contract of Sale agreement to purchase the property described below and the sale is currently in process. An official/legal plot survey is not yet available for this (to be) newly divided property.

However, this property is described by the attached plot plan. The basic info was copied from the Town of Clarence's Internet site public information. The plot plan was modified to add new info regarding the planned new house build, the existing natural (rain) water runoff location and proposed new sand filter septic system location.

We are requesting a variance allowance for a set-back of 140 feet from the Howe Rd highway ROW line as measured to the proposed new home road-front building wall...all per the Builder and Site Developer, to allow clearance for flow of the existing natural (rain) water run-off as well to as allow for best high point of site placement of the proposed new, single one floor plan home's site drainage.

The requested set-back will also provide sufficient room and good design location for the proposed septic system on the property described as follows:

The particular parcel, having approx 340 feet of road frontage and, located on the south side of Howe Rd, located west of the existing residence known as 10865 Howe Rd. This vacant parcel's west property line is also located approx 1004 feet east of the centerline of Salt Rd.

It is noted that:

The above described vacant parcel is currently internet mapped as being one with the 10865 Howe Rd residence/property --- However (it is the understanding of the Applicant that) the vacant parcel was purchased by the current owners (Jim & Mary Freiheit) sometime after their main residence property at 10865 Howe Rd and as such the vacant property piece (now being sold) had its own legal and separate survey. Never the less a new search and survey will be conveyed to the (Buyer AKA..) Variance Applicant at the time of closing.

The new (340 foot frontage) parcel will (later) need to have a new property address number assigned to it, by the Town of Clarence.

Thank you for your attention to this matter:

Respectfully,

(Buyers and) Variance Applicants ---

Edward R. LaMarca & Ann M. LaMarca

July 17, 2016

Subject: Set back variance request for the proposed new (private-single) home to be built on the vacant land to the west of the residence at 10865 Howe Rd.

With sincere respect to the Town of Clarence Variance Board ... In addition to the Town of Clarence's "Request for Action" form, the Applicant also wishes to highlight the following points for consideration by the Variance Board:

> **All of the existing neighbors have already shown their approval** of the Applicant's original 167 foot set-back request by virtue of their signed "Neighbor Notification Forms" as presented at the July 12/2016 Variance Board meeting.

> **This property has a frontage of 340'** which is greater than most if not all of the other comparative properties on the section of Howe Rd between Salt and Davison Roads. The applicant feels that it is not unreasonable to request a somewhat greater set-back than some but not all of the properties in this section of Howe Road. Please see tabulated listing of neighboring property setbacks (below).

> **With an eye to aesthetics the subject vacant property:**

* has a substantial mature stand of tree lined borders both to the east and west sides of this property. These tree stands will mostly be left green and as is.

* has a fully wooded National (&designated) wetlands covering the entire width and the rear of this property.

So it is especially noted that with these two described features i.e. the dual tree stand borders as well as the rear of property wetlands ... there is created in essence a private 'pocket' that allows the as planned placement of the proposed new home an "out of site-out of mind" status.

> In the light that **there exists on Howe Rd** (between Salt and Davison) **the following various set-backs** (as it may or may not be related to property width). Therefore the Applicant for this action (Ed LaMarca) does not feel that it is out of line nor without merit or precedence (at this particular Howe Rd Location) to respectfully ask all of the Town of Clarence Variance Board members to approve a setback of approx 140 feet.

As evidence of this please see the tabulated list of the Neighboring Set-backs as listed below:

Property Type	Howe Road Address	Set-Back (approx)	(approx) Property Width
Storage Barn	0	475 ft	Varies--but approx 320 feet
Residential home	10785	97 to 100 ft	105 ft
Residential home	10801	97 to 100 ft	105 ft
Residential home	10815	97 to 100 ft	105 ft
Vacant lot (Variance Req) (10865)		140 to 167 ft	340 ft ← Requested Variance
Residential home	10865	83 ft	115 ft
"	10875	90 ft	110 ft
"	10905	90 ft	325 ft
"	10985 was 75 but w/addition=50 ft		250 ft
"	10870	148 ft	264 ft
"	10900	176 ft	257 ft
"	10920	210 ft	124 ft
"	10930	101 ft	95 ft
"	10940	120 to 131 ft	100 ft
"	10950	82 ft	118 ft
"	10960	96 ft	100 ft
"	10970	106 ft	103 ft
"	10980	38 ft	132 ft
"	10920	200 ft	5 ft ???

> **With consideration given to the existing 'natural (rain water) run off** location which is setback approx 88 feet from the highway ROW. Please note that this run off extends onto the subject vacant land flowing west to east (off of &) from the west side neighbor's property. This in itself is a unique situation causing hardship to the Applicant.

* The Town of Clarence is currently mowing onto the west side neighbor's private property in an apparent effort to keep this natural water way open. So it seems that the Town has interest in keeping this natural water flow unimpeded.

* Allowing some paraphrasing, the Applicant's Builder and site Developer strongly feels that keeping the proposed new build to the south of the natural run off (as much as reasonably possible) is the best approach to help insure good rain water drainage away from the proposed new build.

* Again, if you will allow further paraphrasing, the Applicant's Builder/Developer also envisions that the proposed sand filter should be behind and to the south of the exiting natural run-off to allow good placement of the sand filter system especially considering the outflow of treated water from the final leach field. Please see attached Plot Plan.

* During periods of unusual rainfall such as the 100 or 500 year floods, whenever they might occur, we as the Buyers are not certain of the velocity or volume of water flow there might be realized flowing through the exiting natural runoff. Having repositioned the house closer to the natural runoff, as requested, hopefully will be satisfactory to the Town of Clarence Variance Board while at the same time give us a sufficient structural safety distance from any ill effects by the natural water flow.

We (the Buyers) have attached a personal check, made payable to you (the Sellers), as good faith funds in the amount of \$100 to confirm the seriousness and sincerity of our purchase offer as noted below. This good faith money is to be made part of the overall \$1,000.00 earnest money which will be given to your attorney, to be held in escrow, should you accept our offer. The entire balance due will be paid at the time of closing.

> Our offer is specifically for the parcel (having approx 340 feet of frontage) on the south side of Howe Rd, located west of the house known as 10865 Howe Rd ...and... this parcel's west property line is also located approx 1004 feet east of the center line of Salt Rd.

This above described parcel is currently (physically) part of the 10865 Howe Rd property and as such will need to be legally separated from the 10865 Howe Rd property by a new survey to be conveyed to the buyers; then the parcel will have a new property number assigned to it by the Town of Clarence.

With this offer being given very Respectfully we are:

Buyers—

Edward R. LaMarca Edward R. LaMarca Date: June 27/2016

Ann M. LaMarca Ann M. LaMarca Date: June 27/2016

Sellers—

This offer is accepted by:

James W. Freiheit James W. Freiheit Date: June 27/2016

Mary L. Freiheit Mary L. Freiheit Date: June 27/2016

RIGHT OF WAY GRANTED TO NEW YORK STATE ELECTRIC
& GAS CORP. L 2163 P 29 DOES NOT AFFECT PROPERTY

HOWE

FD. RR
SPIKE

-125.00 R. & M.-

(49.5' WIDE)

ROAD

SET IRON PIPE

FOUND IRON PIP

83.36

84.29

34.04

29.17

41.6

1 STY FRM
HSE NO. 10865

24.0

GAR

24.3

WOOD
DECK

PARALLEL

1.0 AC

E. LINE LOT 3 SEC. 3

---352.81 REC. & MEAS.---

W. LINE LOT 1 SEC. 3

---352.81 REC. & MEAS.---

91 FT. FROM
HOUSE

APP. 12' FROM
WEST. LINE

12.5' x 25.5'
FREE STAND.
OPEN SHELTER

PARALLEL WITH HOWE RD.

23.0

10.9

19.4

FRM
SHED

10.1

6.09

SET IRON PIPE

-125.00 R. & M.-

FOUND IRON
PIPE 0.64 E

PART OF LOT 1 SEC 3
TWP. 12 RGE. 6
VILLAGE OF _____
TOWN OF CLARENCE
COUNTY OF ERIE N.Y.

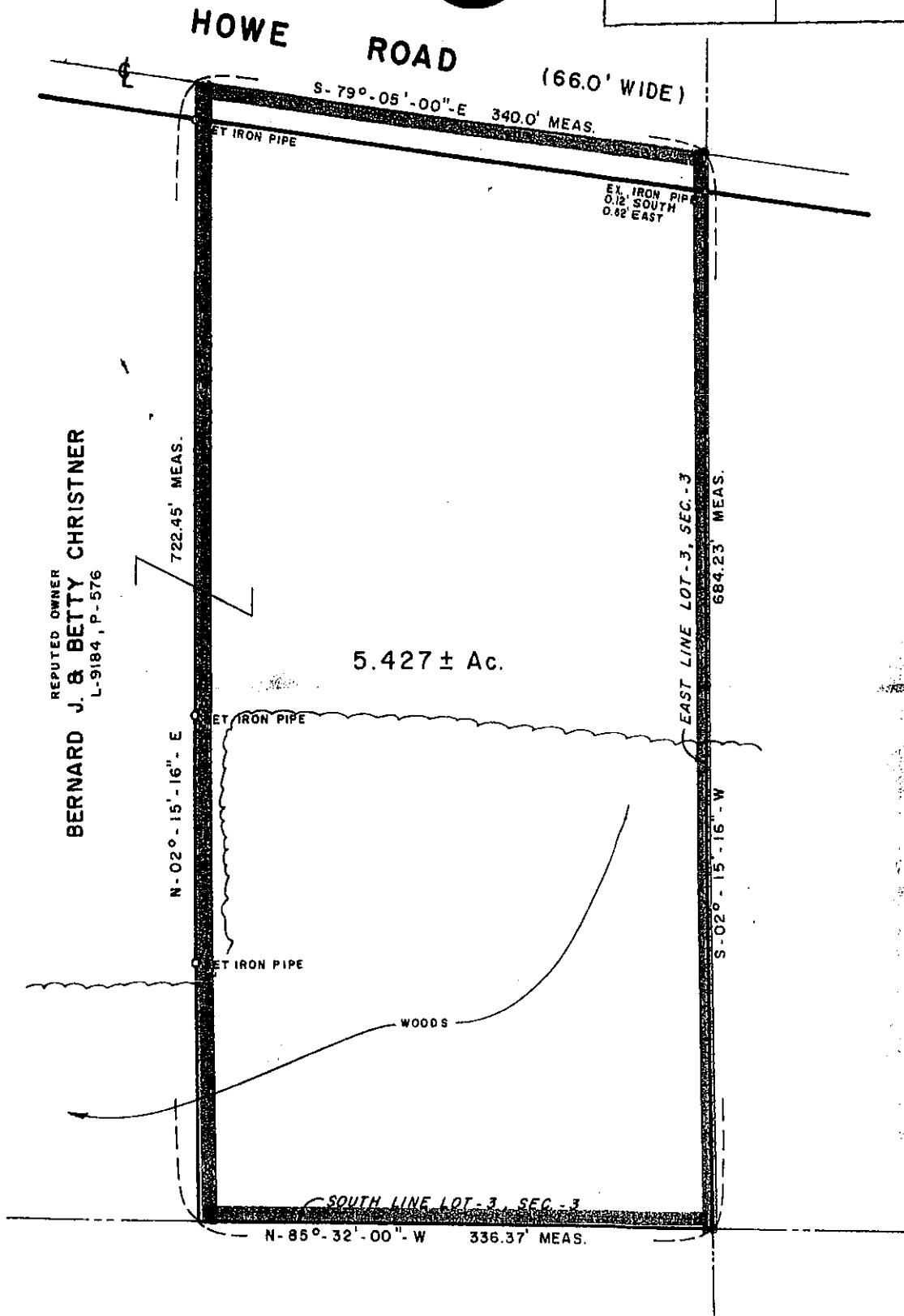
ottney & miller, L.S.P.C.
25 BUFFALO STREET - AKRON, NEW YORK 14001
PHONE: (716) 542-5784 FAX: (716) 542-5208
DATE 1-22-92 REVISED _____
FB # 14-15A JOB # 9045

ottney



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS
SURVEY MAP IS A VIOLATION OF SECTION 7208
PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

RESURVEYED	REVISION



REPUTED OWNER
BERNARD J. & BETTY CHRISTNER
L-9184, P-576

MCINTOSH & MCINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
LOCKPORT, NEW YORK BUFFALO, NEW YORK
PHONE 434-9138 PHONE 625-8360

SURVEY OF PART OF LOT-3, SEC.-3, TWP.-12, R-6, HOLLAND PURCHASE

LOCATION **TOWN OF CLARENCE, ERIE COUNTY, NEW YORK**

JOB No. **4570-E**

SCALE: **1" = 80'**

DATE: **JULY 13, 1984**

DRAWN	<i>MAS</i>
COMP.	
DESG.	
CHECKED	

REPRODUCTION

**REQUEST FOR
ACTION BY:
TOWN OF CLARENCE, N.Y.**

☒ **Appeal Board**
☐ **Planning Board**
☐ **Town Board**

☒ **Appeal**
☐ **Rezone**
☐ **Revise Ordinance**
☐ **Subdivision**
☐ **Limited Use Permit**
☐ **Other**

Rec'd. by: Planning and Zoning

Date June 29, 2016

Action Desired Applicant requests a variance to allow for a 250' front yard setback located at 10630 Keller Road in the Agricultural-Rural Residential zone.

Reason S229-41 (A)

PLEASE PRINT

Name Charles Kelkenberg

Address PO Box 98

Clarence, NY 14031

Town/City Clarence, NY **State** NY **Zip** 14031

Phone 759-7858

Signed SIGNATURE ON FILE

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Rejected ☐ **by** **on** **20**

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Hearing Held by **on** **20**

Final Action Taken

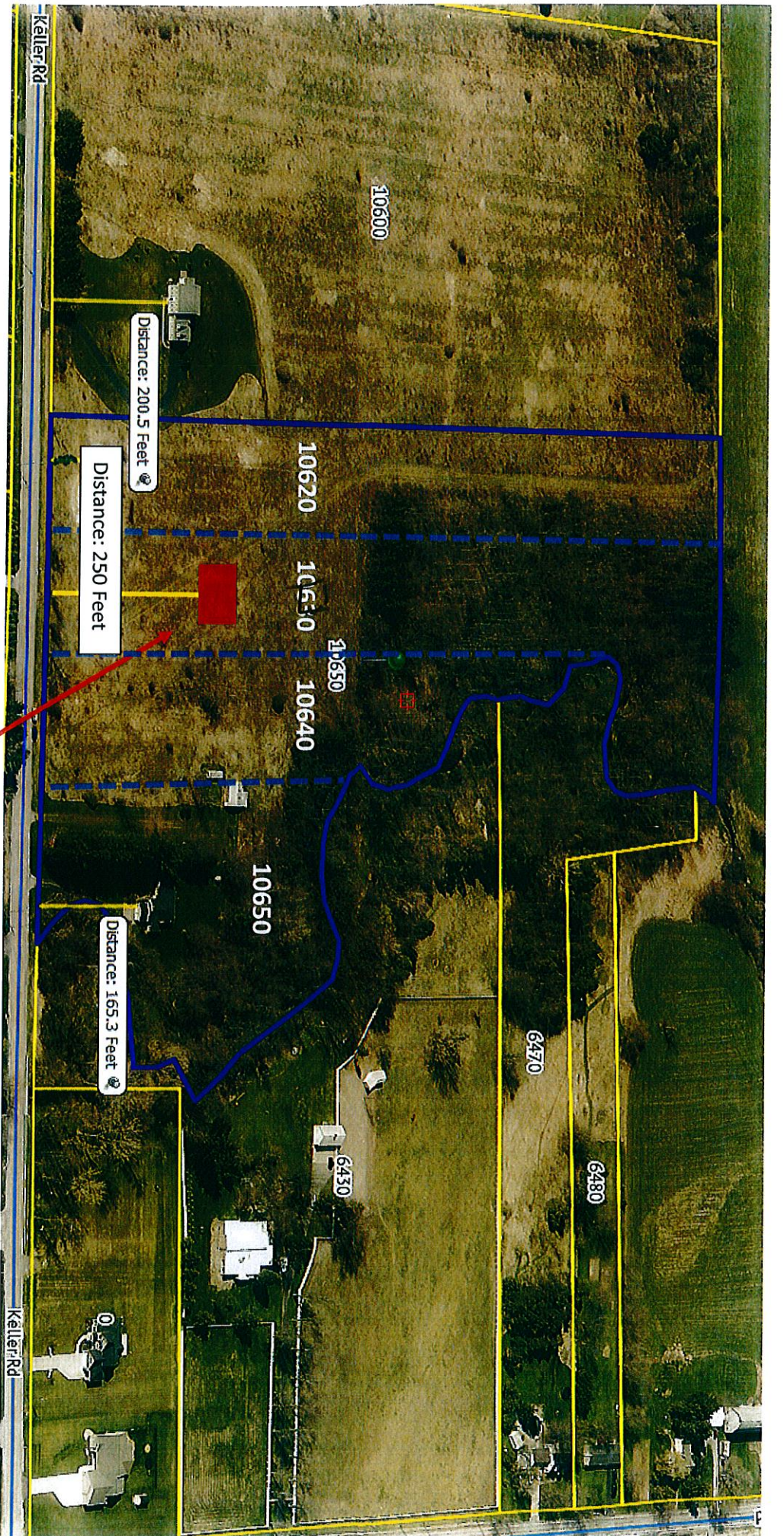
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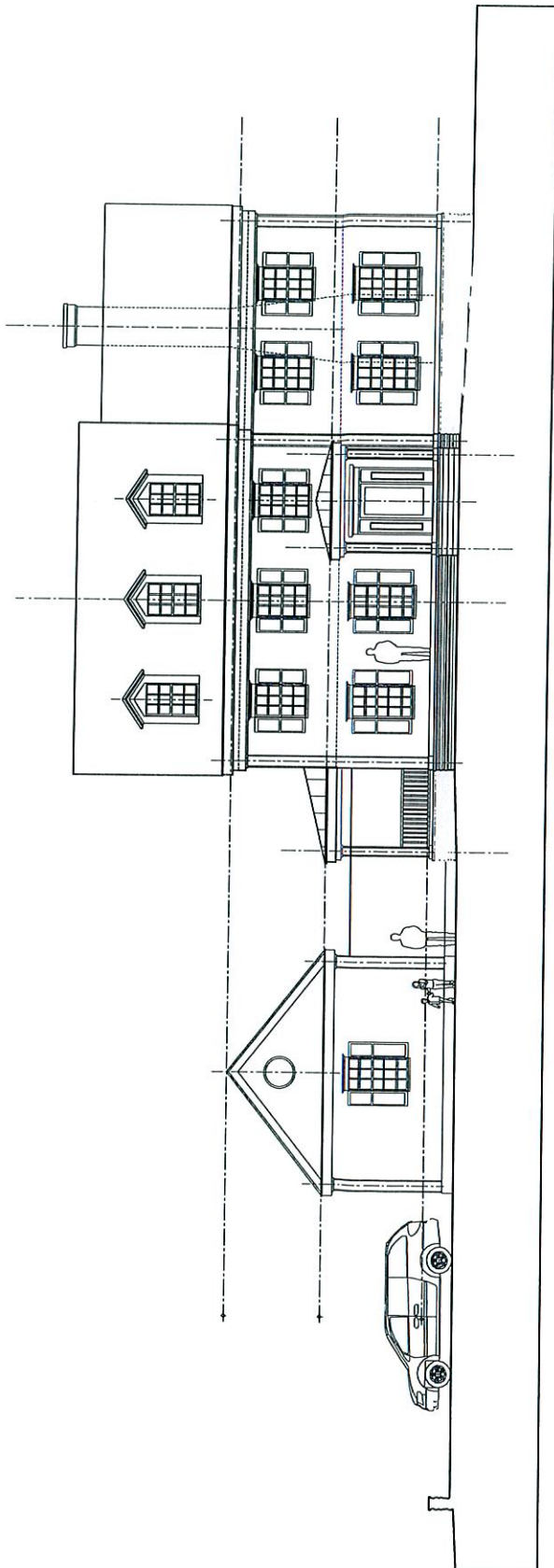
Filed with County Clerk **on** **20**

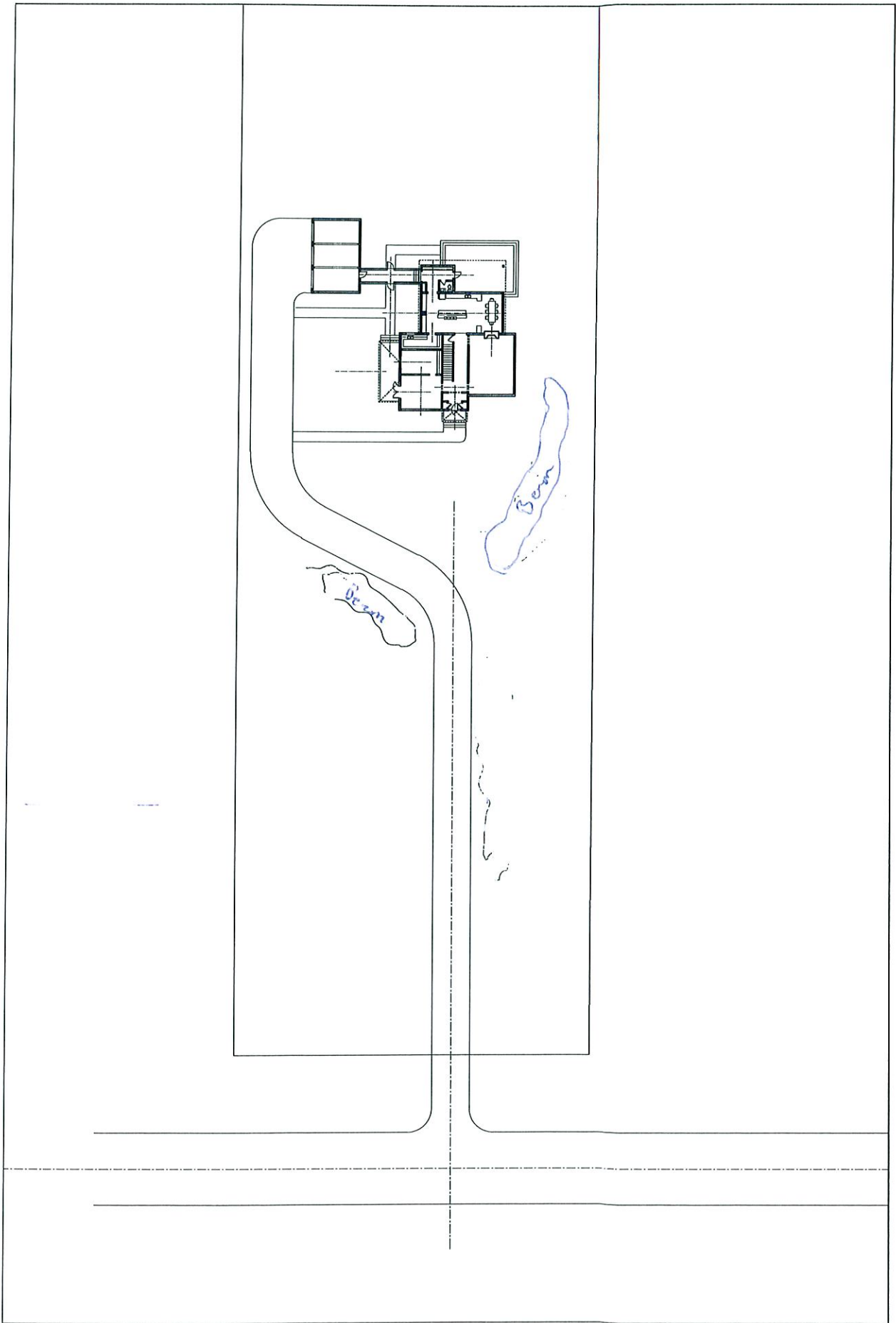


* note the parcel lines displayed are approximate

10630 Keller Road

Proposed single family home with 250' front yard setback





NORTH LINE CADWALLADER & WINANA
L7050 P49

280' M
393'

PART OF L 9276
P 633

3.47 AC

E OF CREEK

1297.67 M

PARALLEL

740' M
790' M

1064.13 M

NORTH ROAD LINE

L & KELLER ROAD (66' WIDE)

WEST LINE SALT ROAD



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO
THIS SURVEY MAP IS A VIOLATION OF SECTION
7209 PROVISION 2. OF THE NYS. EDUCATION LAW

● = EX IRON D = DEED
○ = SET IRON M = MEAS

MP = MAP

ENC = ENCROACH

SURVEY OF: PART OF LOT 1, SEC. 4, TWP. 12, R. 6

TOWN OF CLARENCE, COUNTY OF ERIE

STATE OF NEW YORK

KELLER ROAD

DORSON R. WILSON
LAND SURVEYOR

4863 WATERFORD PLACE
LOCKPORT, N.Y. 14094
716-434-8270

NYS LIC. NO. 049291

SCALE: 1"=100'

DATE: APRIL 23, 2016

JOB NO. 150409 B

10630